ORDINANCE NO. 2

AN ORDINANCE TO REGULATE EXCAVATION IN COUNTY ROADS;
PROVIDING FOR PERMITS AND FEES THEREFORE AND FOR A BOND;
PROVIDING A PENALTY FOR THE VIOLATION THEREOF;
AND, DECLARING AN EMERGENCY

The County Court of Union County, Oregon, ordains as follows:

Section 1.

As used herein the word "person" shall be applicable to any individual, association, firm, corporation, or governmental entity.

Section 2.

No person shall make any excavation in any County Road in Union County unless such person shall have, at least 24 hours prior thereto, secured a permit therefore in accordance with the provisions of this ordinance. Each day during which such excavation continues to exist shall be considered a complete and separate offense hereunder.

Section 3.

Persons desiring to make excavations in any County Road shall make application for a permit therefore upon a form to be provided by the County Roadmaster. Such applications shall specify the location of the proposed excavation, and shall contain an agreement on the part of the applicant, in event of the issuance of a permit, to repair the County Road and replace it in as good or better condition than prior to the excavation, such repairs to be made within a reasonable time; to restore or replace any repairs in which defects appear during a period of one year subsequent to the date of completion of such repairs; to repair water lines, sewer lines, underground conduits, gas lines, and similar underground installations which may be damaged in making such excavation; and to furnish a bond in the amount of $1,000.00 in favor of Union County and for the benefit of the county or any person whose property is injured by failure on the part of the applicant to perform his agreement. The applicant shall pay a permit fee at the time of application in the amount of $10.00.

Section 4.

In event in the opinion of the County Roadmaster by reason of weather conditions or the season of the year, or for any other reason, the proposed excavation will unusually damage the County Roads or seriously inconvenience the public in the use of the roads, the Roadmaster shall have the right to delay issuance of the permit herein provided for until the probability of such damage or inconvenience has passed, and in such event the Roadmaster shall not issue such permit to the applicant until such time.

Section 5.

Failure on the part of the applicant to make repairs as hereinabove provided for within a reasonable time shall be considered a violation of this ordinance, and each day such failure continues shall be separate and distinct violations.

Section 6.

Violation of the provisions of this ordinance shall be punishable by a fine of not less than $50.00 nor more than $500.00

Section 7.

Inasmuch as the public health, safety, convenience, and welfare demand the immediate adoption of this ordinance, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its adoption and approval.

The County Court does HEREBY ADOPT "An Ordinance to Regulate Excavation in County Roads; Providing for Permits and Fees Therefore and for a Bond; Providing a Penalty for the Violation thereof; and, Declaring an Emergency."

DATED this 2nd day of January, 1974.

COUNTY JUDGE

COUNTY COMMISSIONER

COUNTY COMMISSIONER